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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@rmsclaw.com
lgallagher@rmsclaw.com
dbeltran@rmsclaw.com

PTOL-90A (Rev. 04/07)

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>10 February 2010</u>.

2a) ☐ This action is **FINAL**.  2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>1,4-21,23-28 and 30-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,4-21,23-28 and 30-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.      This is in response to the amendment filed February 12, 2010. Claims 1, and 32 have

been amended. Claims , 2, 3, 22 and 29 have been cancelled. Claims 1, 4-21, 23-28 and 30-39

are pending and have been considered below.

2.      The indicated allowability of claim 3 is withdrawn in view of Wiser et al (US 6,868,403),

therefore, the finality of that action is withdrawn.


### Claim Rejections - 35 USC § 101

3.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claim 39 is drawn to a computer readable medium, the examiner notes that a computer

readable medium has not been defined in the specification, paragraph 14 of the publication

teaches a computer usable medium having readable program code embodied in the medium and

paragraph 34 teaches that packaging learning resources provides a common medium of

exchange, therefore  it can be reasonably interpreted that the computer readable medium would

include embodiments including propagation media, such as carrier waves, which fail to establish

a statutory category of invention. Amending the specification as well as the claim to recite "a

non-transitory computer readable medium" is believed to be sufficient to overcome this rejection

.

Claim 32 is system, however the examiner noted that the claim is drawn to a computer

program per se. A computer program is not a series of steps or acts and this is not a process. A

computer program is not a physical article or object and as such is not a machine or manufacture.

A computer program is not a combination of substances and therefore not a compilation of

matter. Thus, a computer program by itself does not fall within any of the four categories of

invention. Therefore, the Applicant's amendment did not overcome the 101 rejection. To

overcome the 101 rejection , the Applicant is advice to store the system on a <u>non-transitory</u>

computer readable medium or to amend the claim to include a hardware component. Claims 32-

38 are not statutory

### Response to Amendments and Arguments

4.      Applicant's arguments and amendments have been fully considered but are not

persuasive.

        Regarding argument" Applicant submits that Lipscomb in view of Doty does not

        teach or suggest each of the features of claim 7. For example, Applicant submits that

        Lipscomb in view of Doty does not teach or suggest parsing the package to extract

        structure and titles" remarks page 15 is not is not persuasive because Doty because

        Lipscomb teaches col 4, lines 33-40 The portal may be used to edit the metadata

        associated with an asset (e.g., edit the title, artist genre classification of a song or the title,

        actor's name or director of a movie).

        Regarding argument "Additionally, Applicant submits that Lipscomb in view of

        Doty does not teach or suggest each of the features of claim 8, Claim 8 recites, in

        pertinent part:•.. generating promotional material and thumbnail for use in an electronic

        store (eStore) to provide searching and discovery capability; and storing the promotional

        material and the SCO in an on-line catalog" remarks page 16-18 is not persuasive

        because lipscomb discloses column 4, lines 25-35 stored and catalogued licensed asset,

column 5, 25-45 discloses a portal includes advertisement server software functionality to

allow for third-party advertisement submission, deletion and maintenance. The portal

automatically inserts an ad into download stream(the examiner equating advertisement

material as promotional material), and selects an advertisement based on user profile

information when allowable. Also col 9, lines 40-55 discloses the system allowing the

user to create a playlist manually from a master database or generate playlists randomly

based on database searches. Advanced hierarchical views provided for extreme flexibility

also see Fig. 4.

Regarding argument" Applicant submits that Lipscomb in view of Doty does not

teach or suggest each of the features of claim 10. For example, Applicant submits that

Lipscomb in view of Doty does not teach or suggest the assigning digital rights step

assigns rights to the one or more assets to independently access the one or more assets

under control of the assigned digital rights", remarks pages 18-20 is not persuasive

because Doty discloses a method for providing a mechanism for administrative functions

including hierarchical permissions, file sharing and account management, authentication,

digital rights management (DRM) in para 169.

Regarding argument Doty is silent with respect to "Applicant submits that

Lipscomb in view of Doty does not teach or suggest each of the features of claim 11. For

example, Applicant submits that Lipscomb in view of Doty does not teach or suggest

placing the SC0, the metadata file and a promotional file into a digital container, as

recited in claim 11 and 16 remark page 20-23, argument is not persuasive because Doty

discloses generating hierarchical PERMISSIONS file sharing and content management,

authentication, DRM, polling allowing the admin to add or edit or modify polls and using

URL (see par. 169). Certain hierarchical definition include ... URL (par. 125).

Regarding argument "Spagna in view of Bjornestad does not teach or suggest

'making the one or more SCOs available for searching and downloading at a client,

wherein access to the one or more SCOs is controlled by the DRM, and the one or more

SCOs include one or more assets individually controllable.," remark pages 24-26,

argument is not persuasive because Bjornestad discloses a method for providing a user

with access to an information site hosting information with controlled access, i.e., e-

Learning content provider by logging the user on to the learning management system and

providing authenticated access. Sharable learning content/course is also described on; see

par. 20-21, of Bjornestad as Sharable Content Object Reference Model [SCORM]. The

courses and/or learning contents and/or resources are searched by the student on par. 55

of Bjornestad.


Regarding argument neither Dorty or Spagna teach wherein the DRM content

packager communicates with the portal server for uploading the at least one SCO and

communicates with a content manager loader for storing the at least one SCO in a

learning objects repository and wherein the DRM content packager uploads a package

and parses the package to extract structure and titles of the package, the package

containing the at least one SCO and promotional material, as recited on claims 27 and 39,

remark pages 27-29, argument is not persuasive because col. 12 lines 45-65 discloses that

a metadata assimilation and Entry Tool that is used to extract metadata from the Content

Provider's database in a prescribed format, e.g., a music example the content information

such as CD title, artist name, song title, CD artwork, and ...; and to package it for

electronic distribution. The metadata assimilation and Entry Tool is used to enter the

usage conditions for the content including copy restriction rules, the wholesale price any

business rules deemed necessary. The encrypted content, digital content related data or

metadata and encrypted keys are packed in SCs by the SC packer tool and stored in a

content housing site and/or promotional web site for electronic distribution (see col. 13

lines 1-65).

Regarding argument Doty and Spagna failure to teach "providing error messages

to enable correction, as recited on claim 32, remark page 29-30, argument is not

persuasive because Doty teaches network based educational system and the system is

AICC and SCORM compliant (see par. 36). Doty is in fact teaches providing error

messages to enable correction (see par. 102) that displays "INCORRECT. TRY

AGAIN" ....

Regarding argument Doty is silent with respect to "metadata" and "metadata

files" and fails to teach "means for generating digital rights files and associating the

digital rights files with the digital content by embedding links into a metadata right field

within corresponding metadata files, as recited in claim 33 remark page 31-32, argument

is not persuasive because Doty discloses generating hierarchical PERMISSIONS file

sharing and content management, authentication, DRM, polling allowing the admin to

add or edit or modify polls and using URL (see par. 169). Certain hierarchical definition

include … URL (par. 125).


## Claim Rejections - 35 USC § 103

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> a.      A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.      Claims 1, 4-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lipscomb et al (US 7,020,704) in view of Doty, Jr (US 2002/0152904) in further view of Wiser

et al (US 6,868,403).

    Claim 1:  Lipscomb et al discloses a method of providing learning objects, comprising:

        i.        Accessing an authoring application for creating a shareable content object

        (SCO), the accessing being through at least one of a web based remote access and

        a download of the authoring application (column 3, lines 15-35);

        ii.       Composing a shareable content object (SCO) representing one or more

        assets using the authoring application (column 3, lines 35-45; column 4, lines 27-

        40);

        iii.      Assigning a digital rights to the SCO to secure the one or more assets

        (column 3, lines 35-45); and

        iv.    Individually controlling access to the SCO and the one or more assets by

        utilizing the assigned digital rights to the SCO or the one or more assets (column

        line 45 to column 11, line 15),

Lipscomb et al fails to disclose wherein the download of the authoring application

includes checking a client browser's version and downloading a DRM extension

appropriate for the browser's version. However, Doty discloses a network based

educational system, which further discloses wherein the download of the authoring

application includes checking a client browser's version and downloading a DRM

extension appropriate for the browser's version ((paragraphs[0039], [0139], [0178],

[0185]).

The combination fails to teach wherein the accessing an authoring application step

includes: Accessing an on-line portal server to obtain registration information; and

registering as an author of learning objects, wherein the registering step includes

receiving a registration confirmation that includes at least one of a user-id, a password, a

login uniform resource locator (URL) and a universal resource identifier (URI).

However, Wiser et al discloses a secure on line music distribution, which further

discloses

wherein the accessing an authoring application step includes:

        Accessing an on-line portal server to obtain registration information; and

        registering as an author of learning objects (column 1, lines 27-42).

        v.    wherein the registering step includes receiving a registration confirmation

        that includes at least one of a user-id, a password, a login uniform resource locator

(URL) and a universal resource identifier (URI)(column 10, lines 35-40, user

password with personal information such as user name also see Fig. 4)

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching Lipcomb et al  with the additional feature

of  Doty such as to check the client browser's version and download DRM extension.

One would have been motivated to do so in order to take the burden of technology out of

the hands of learners/user by detecting each user's browser, and then automatically

serving the optimum stream for that specific connection as taught by Doty (paragraph

[0185] ). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify the combined teaching of Lipcomb et al and

Doty such as to register the author.  One would have been motivated to do so in order to

provide a secure online distribution method that provides the customer with flexibility

and for securing  the distribution of the media throughout the system as taught by Wiser

et al (column 3, lines 5-15).

**Claim 4**: The combination further disclose a method of providing learning objects as in

claim1 above, and Doty further discloses wherein the download of the authoring

application further includes:

Accessing an application to create SCO rights metadata and promotional material

(paragraphs [0137]. [0151], [0198]);

Wiser et al discloses  generating a public key pair for the client for encryption purposes

and sending a private key to the client, wherein the accessing the application to create

SCO rights metadata occurs through one of a web based remote access and a download

the application (column 4, lines 1-15). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

combined teaching such as to use a public key encryption. One would have been

motivated to do so in order to provide a secure online music distribution method that

provides the customer with flexibility and for securing the distribution of the media

throughout the system as taught by Wiser et al (column 3, lines 5-15).

**Claim 5**: The combination further disclose a method of providing learning objects as in

claim 1 above, and Doty further discloses wherein, the assigning step includes:

    i.     Logging on to a digital packager (paragraph [0154]);

    ii.    Uploading a package containing the SCO and a metadata file (paragraph

    [0158], [0167]); and

    iii.    Triggering a digital rights management (DRM) packager to assign digital

    rights to at least one of the SCO and the one or more assets and the package

    (paragraphs [0171]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of Lipcomb et al such as to assign digital

right to at least one SCO. One would have been motivated to do so in order to enhance

the total educational experience for those taking advantage of the present system as

taught by Doty (paragraph [0003]).

**Claim 6**: The combination further disclose a method of providing learning objects as in

claim 5 above, and Doty further discloses wherein the triggering step includes assigning a

price level to one of the SCO and the one or more assets controlled by the assigned

digital rights (paragraphs [0164], [0165]). Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the teaching

of Lipcomb et al such as to associate a price tag . One would have been motivated to do

so in order to enhance the total educational experience for those taking advantage of the

present system as taught by Doty (paragraph [0003]).

**Claim 7:** The combination further disclose a method of providing learning objects as in

claim 5 above, and Lipscomp et al further discloses that the method further comprising

the steps of:

> i.    Parsing the package to extract structure and titles (column 5, lines 25-45)
>
> and
>
> ii.   Assigning a package ID with a package name to the SCO (column 4, lines
>
> 25-35, column 9, and lines 40-55).

**Claim 8:** The combination further disclose a method of providing learning objects as in

claim 5 above, and Doty further discloses that the method further comprising:

> i.    Generating promotional material and thumbnail for use in an electronic
>
> store (eStore) to provide searching and discovery capability (paragraph [0137]);
>
> and
>
> ii.   Storing the promotional material and the SCO in an on-line catalog
>
> (paragraphs [0169], [0200]).

**Claim 9:** The combination further disclose a method of providing learning objects as in

claim1 above, and Doty further discloses that the method further comprising assigning

digital rights to the one or more assets and encrypting(encode) at least one of the SCO
and one or more assets (paragraphs [0183], [0188]).

**Claim 10:** The combination further disclose a method of providing learning objects as in
claim1 above, and <u>Doty</u> further discloses wherein, the assigning digital rights step
assigns rights to the one or more assets to independently access the one or more assets
under control of the assigned digital rights(paragraph [0129], [0167]).

**Claim 11:** The combination further disclose a method of providing learning objects as in
claim 5 above, and <u>Doty</u> further discloses that the method further comprising the step of
placing the SCO, the metadata file and a promotional file into a digital
container(paragraphs [0109], [0110]).

**Claim 15:** The combination further disclose a method of providing learning objects as in
claim1 above, and <u>Lipcomb et al</u> further discloses wherein in the composing step the one
or more assets include at least one of a video asset, a text asset, a music asset, and a
learning asset (column 3,lines 35-45)

**Claim 16:** The combination further disclose a method of providing learning objects as in
claim 1 above, and <u>Doty</u> further discloses that the method further comprising packaging a
content aggregation file separately from the SCO and any asset files, wherein the content
aggregation file includes for the SCO: an associated metadata file, a manifest file, a
content packaging information, and encrypted rights (paragraphs[0104], [0177]).

7.      Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Lipscomb et</u>

<u>al</u>  (US 7,020,704) in view of <u>Doty, Jr</u> (US 2002/0152904) in further view of <u>Wiser et al</u> (US

6,868,403) and <u>Moses et al</u>( US 6,314,517).

**Claim 12**: The combination further disclose a method of providing learning objects as in

claim1 above, while neither of them explicitly discloses wherein the placing step includes

at least one of assigning digital rights to the SCO and encrypting the one or more assets

using randomly generated symmetric keys of the associated SCO. However, <u>Moses et al</u>

discloses a method for notarizing digital signature, which further discloses wherein the

placing step includes at least one of assigning digital rights to the SCO and encrypting the

one or more assets using randomly generated symmetric keys of the associated

SCO.(column 1, lines 20-37). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the combined

teaching of <u>Lipscomb et al</u> and <u>Doty</u> such as to use a random symmetric key.  One would

have been motivated to do so in order to provide data integrity.

**Claim 13**: The combination further disclose a method of providing learning objects as in

claim 12 above, and <u>Doty</u> further disclose wherein the placing wherein the digital rights

include at least one of price, user identity, and length of use(paragraphs [0164]-[0165]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the combined teaching such as to assign a price to at

least one SCO.  One would have been motivated to do so in order to enhance the total

educational experience for those taking advantage of the present system as taught by

<u>Doty</u> (paragraph [0003]).

**Claim 14:** The combination further disclose a method of providing learning objects as in claim 12 above, and <u>Moses et al</u> further disclose further including placing the randomly generated symmetric keys in the metadata file, and encrypting the metadata file with a public key(column 1, lines 40-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined teaching such as to use a random symmetric key. One would have been motivated to do so in order to provide data integrity.

8     Claims 17-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Spagna et al</u> (US 6,587,837) in further view of <u>Bjornestad et al</u> (US 2003/0084345).

**Claim 17:** <u>Spagna et al</u> discloses a method for creating learning objects, comprising:

    i.      Creating a package containing one or more shareable content objects (Si.COs) (column12, lines 22-60);

    ii.     Updating an on-line electronic store (e-Store) with the one or more SCOs (column 13, lines 13-55);

    iii.    Logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role) (column 12, lines30-45);

    i.      Assigning digital rights management (DRM) to the one or more SCOs (column 12, lines 53-67)

       ii.     Wherein access to the one or more SCOs is controlled by the DRM, and

the one or more SCOs include one or more assets individually controllable

(column 15, lines 40-50).

But does not explicitly disclose making the one or more SCOs available for searching and

downloading at a client. However, Bjornestad et al discloses a managed access to

information over data network, which further discloses a step of making the one or more

SCOs available for searching and downloading at a client (paragraph [0055]).Therefore,

it would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the combined teaching of Doty such as to make the

content searchable.  One would have been motivated to do so in order to provide a user

with access to an information site hosting information with controlled access as taught by

Bjornestad et al (paragraph [0009]).

**Claim 18**: Spagna et al and Bjornestad et al disclose a method for creating learning

objects as in claim 17 above, and Spagna et al discloses wherein in the creating a package

step the package contains a content aggregation file containing at least one of a metadata,

a manifest, content packaging information, and a encrypted rights for each SCO in the

package  (column 12, lines 34-55; column 13, lines 23-30).

**Claim 19**: Spagna et al and Spagna et al disclose a method for creating learning objects as

in claim 17 above, and Spagna et al discloses that the method further comprising the step

of invoking a DRM packager to upload the package in compressed format and place in a

digital container(column 21, lines 30-35);

**Claim 20**: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> discloses that the method further comprising the step of storing the package in a learning objects repository for later retrieval by an on-line learning management system when the one or more SCOs is at least one of searched and accessed (column 21, lines 10-25);

**Claim 21**: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> further discloses wherein:

    i.     The assigning DRM to the one or more SCOs include assigning a price to each of the one or more SCOs and at least one of the one or more assets (column 12, lines 45-60); and

    ii.    The assigning the DRM step causes limitation of access to the one or more SCOs by user identity, price, or type of asset (column 12, lines 45-60] ).

**Claim 23**: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and ) and <u>Spagna et al</u> further discloses whether the one or more SCOs are to be delivered via on-line or off-line mode (column 9, line 65 to column 10, line 5 Logging onto an electronic store (e- store) to access the one or more SCOs (column 13, lines 15-45); and whether the package is a course or SCO, a license server address, content manager address, and whether the promotional contents are packaged into a secure container (column 18, lines 30-55);

    i.  Logging onto an electronic store (e- store) to access the one or more SCOs (column 12, lines 25-40);and

ii.  generating promotional material and supplying parameters indicating at least one

of: a package ID whether each of the SCOs is encrypted (column 13, lines30-45)

**Claim 24**: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning

objects as in claim 17 above, and <u>Spagna et al</u> discloses a step of assigning symmetric

keys to each one or more SCOs and encrypting each one or more SCOs with the

symmetric keys(column 18, lines 1-25)

**Claim 25** <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning

objects as in claim 17 above, and <u>Spagna et al</u> discloses:

i.      Extracting information including thumbnail promotional material from a

content aggregation (CA) file (column12, lines35-65);

ii.      ingesting the one or more SCOs and CA file into a catalog using the

information (column 52, lines1-10]); and storing the thumbnail promotional

material into the catalog and associating the promotional material with the one or

more SCOs (column 52, lines 1-10  <u>Bjornestad et al</u> further discloses wherein the

thumbnail promotional material and one or more SCOs are searchable

(paragraphs [0054]-[0056]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of <u>Doty</u> such as to make the content

searchable.  One would have been motivated to do so in order to provide a user with

access to an information site hosting information with controlled access as taught by

<u>Bjornestad et al</u> (paragraph [0009]).

**Claim 26**: <u>Spagna et al</u> and <u>Bjornestad et al</u> disclose a method for creating learning objects as in claim 17 above, and <u>Spagna et al</u> discloses wherein the one or more assets are at least one of a video asset, a text asset, a music asset, and a learning asset (column 11, lines45-60)

9.       Claims 27, 28 and 30-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Doty, Jr</u> (US 2003/0152904) in view <u>Spagna et al</u> (US 6,587,837).

**Claim 27**: <u>Doty</u> discloses a system for providing learning objects, comprising:

      i.       A portal server to permit authoring of at least one shareable content object (SCO) having one or more assets (paragraphs [0036], [0154], [0156]);

      ii.       A content manager, which stores or retrieves the at least one SCO and the one or more assets (paragraph [0181]):

      i.       A digital rights management (DRM) content packager accessible via the portal server which assigns digital rights to the at least one shareable content object (SCO) (paragraphs [0169], [0171]));

      ii.       A DRM license server which assigns license criteria to the at least one SCO and the one or more assets (paragraphs [0129], [0167]).

<u>Doty</u> does not explicitly disclose wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package the package containing the at least one SCO and

promotional material. However, However, <u>Spagna et al</u> discloses a system for delivering

electronic content from online store, which further discloses wherein the DRM content

packager communicates with the portal server for uploading the at least one SCO and

communicates with a content manager loader for storing the at least one SCO in a

learning objects repository and wherein the DRM content packager uploads a package

and parses the package to extract structure and titles of the package the package

containing the at least one SCO and promotional material(column 13, lines 45-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of <u>Doty</u> such as to extract structure and

title of the package.  One would have been motivated to do so in order to expose artists'

works to a broad audience widely distributed throughout a broad geographic area as

taught by <u>Spagna et al</u>.

**Claim 28**: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, and ,<u>Doty</u> further discloses wherein the portal server provides a common

interface personalized to a user's profile and role(paragraphs [0072], [0081]), and the

portal server facilitates at least one of:

     i.     Accessing a web base authoring application for creating the at least one

          SCO, and downloading of a client authoring application for creating the at least

          one SCO (paragraphs [0092]-[0094]).

**Claim 30**: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, and  <u>Doty</u> further discloses wherein the one or more assets is at least one

of a video asset, a text asset, a music asset, and a learning asset(paragraphs [0098],

[0099]).

**Claim 31**: <u>Doty</u> and <u>Spagna et al</u> disclose a system for providing learning objects as in

claim 27 above, <u>Doty</u> further discloses wherein the at least one SCO is packaged into a

digital container, and wherein the each of the at least one SCO and each of the one or

more assets is associated with a price controlled by DRM (paragraphs [0164]-[0165]).

**Claim 32**: <u>Doty</u> discloses a digital rights protection system, comprising:

    i.    an automatic validation component adapted to ensure conformance of the

    unprotected digital content to Shareable Content Object Reference Model

    (SCORM) standards and providing error messages to enable

    correction(paragraphs [0036], [0154], [0156]) and

    ii.    a digital rights generation layer having one or more components adapted

    to provide a web-based interface for specifying different rights to the one or more

    parts for providing protected digital content(paragraphs [0090], [0169], [0171])

But does not explicitly discloses a secure uploading service capable of receiving

unprotected digital content having one or more parts, associated metadata, and one or

more promotional materials.  However, <u>Spagna et al</u> discloses a system for delivering

electronic content from online store , which further discloses a secure uploading service

capable of receiving unprotected digital content having one or more parts, associated

metadata, and one or more promotional materials (column 13, lines 1-40).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the teaching of <u>Doty</u> such as to receive unprotected

digital content. One would have been motivated to do so in order to expose artists' works

to a broad audience widely distributed throughout a broad geographic area as taught by

Spagna et al.

**Claim 33**: Doty and Spagna et al disclose a digital rights protection system as in claim 32

above, and Doty further discloses that the system further comprising a means for

generating digital rights files and associating the digital rights files with the digital

content by embedding links into a metadata right field within corresponding metadata

files(paragraph [0169]).

**Claim 34**: Doty and Spagna et al disclose a digital rights protection system as in claim 33

above, and Spagna et al further discloses that the system further comprising further

comprising a transparent web service for automatically encrypting the protected digital

content and the rights files, wherein the digital rights generation layer provides content

protection services (column 12, lines 45-65).

**Claim 35** Doty and Spagna et al disclose a digital rights protection system as in claim 32

above, and Spagna et al further discloses that the system further comprising further

comprising:

> i.      A security manager component adapted to provide secure communications
>
> with client stations and an electronic store (column 17, lines 15 to column 18, line
>
> 5); and
>
> ii.     A content repository component which prevents any input/output
>
> operation that creates a rights violation when the protected digital content is
>
> stored (column 12, lines 40-50).

**Claim 36**: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32 above, and <u>Doty</u> further discloses that the system further comprising, further comprising a means for providing catalog creation services that includes invoking web services with a trusted electronic store to create a catalog entry of the protected digital content and any associated promotional material.(paragraphs [0104], [0110], [0200])

**Claim 37**: <u>Doty</u> and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32 above, and <u>Doty</u> further wherein all components of the rights generation layer has a public-key certificate by a certificate authority indicating that all the components are trusted (paragraphs [0129], [0167]).

**Claim 38**:Doty and <u>Spagna et al</u> disclose a digital rights protection system as in claim 32 above, and <u>Doty</u> further discloses wherein the digital rights generation layer provides updating and version control capabilities of the protected digital content and any associated metadata files (paragraphs [0056], [0125]).

**Claim 39**: <u>Doty</u> discloses a computer program product comprising a computer usable medium having readable program code embodied in the medium, the computer program product includes:

     i.     A first computer code to compose a shareable content object (SCO) representing one or more assets ((paragraphs [0036], [0154], [0156]);

     ii.     A fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code )( paragraph [0181]);

      i.     A second computer code to assign a digital rights to the SCO to secure the one or more assets (paragraph [0169]);

      ii.    A third computer code to individually access the SCO and the one or more assets, wherein the access to the SCO and the one or more assets is individually controlled by the assigned digital rights (paragraph [0171]).

Doty does not explicitly disclose wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package the package containing the at least one SCO and promotional material. However, However, Spagna et al discloses a system for delivering electronic content from online store, which further discloses wherein the DRM content packager communicates with the portal server for uploading the at least one SCO and communicates with a content manager loader for storing the at least one SCO in a learning objects repository and wherein the DRM content packager uploads a package and parses the package to extract structure and titles of the package the package containing the at least one SCO and promotional material(column 13, lines 45-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Doty such as to extract structure and title of the package. One would have been motivated to do so in order to expose artists' works to a broad audience widely distributed throughout a broad geographic area as taught by Spagna et al.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Tuesday, March 08, 2011

/Fatoumata Traore/

Examiner, Art Unit 2436

/Nasser Moazzami/

Supervisory Patent Examiner, Art Unit 2436